

# **EXHIBIT 69**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

RACHEL COLANGELO and KATHLEEN ) Case No.  
PARADOWSKI, individually and on ) 6:18-cv-01228  
behalf of a class of similarly ) [LEK/DEP]  
situated individuals, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CHAMPION PETFOODS USA INC. and )  
CHAMPION PETFOODS LP, )  
 )  
Defendants. )  
\_\_\_\_\_ )

VIDEO-RECORDED VIDEOCONFERENCE  
DEPOSITION OF STEFAN BOEDECKER  
Tuesday, March 16, 2021  
Volume I

Reported by:  
ROCHELLE HOLMES  
CSR No. 9482  
Job No. 4487163  
PAGES 1 - 105

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Deposition of STEFAN BOEDECKER, testifying from  
Henderson, Nevada, taken on behalf of Defendants, via  
videoconference, beginning at 12:22 P.M. and ending at  
3:58 P.M. on Tuesday, March 16, 2021, before ROCHELLE  
HOLMES, Certified Shorthand Reporter No. 9482, Certified  
Realtime Reporter No. 0123.

1 APPEARANCES:

2 For Plaintiff:

3 GUSTAFSON GLUEK PLLC

4 BY: RAINA C. BORRELLI, ATTORNEY

5 120 South 6th Street, Suite 2600

6 Minneapolis, Minesota 55402

7 (612) 333-8844

8 Rborrelli@gustafsongluek.com

9 (Appearing via videoconference.)

10 For Defendants:

11 GREENBERG TRAUIG

12 BY: RICK SHACKELFORD, ATTORNEY

13 1840 Century Park East, Suite 1900

14 Los Angeles, California 90067

15 (310) 586-3878

16 Shackelfordr@gtlaw.com

17 (Appearing via videoconference.)

18 --and--

19 GREENBERG TRAUIG, P.A.

20 BY: JARED KESSLER, ATTORNEY

21 333 SE 2nd Avenue

22 Miami, Florida 33131

23 (305) 579-0754

24 Coulson@gtlaw.com

25 (Appearing via videoconference.)

1 APPEARANCES (CONTINUED) :

2

3 VIDEOGRAPHER: SCOTT SLATER

4 (Appearing via videoconference.)

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1 The time is 3:54 p.m.

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3 EXAMINATION

4 BY MS. BORRELLI:

5 Q Mr. Boedeker, earlier Mr. Shackelford was  
6 asking you about your experience doing what we've called  
7 an expectation survey in this case and other litigation  
8 cases that you've been involved in.

9 Do you recall that testimony?

10 A Yes, I do.

11 Q Have you ever done surveys similar to the  
12 expectation survey done here in your  
13 non-litigation-related work?

14 A Yes, I've done that multiple times.

15 Q How many would you estimate?

16 A I mean, probably at least 50, if not more. I  
17 did a lot of consulting work that dealt with measuring  
18 consumers' expectations when assessing new products,  
19 bundling of products or attributes of existing products.

20 Q Okay. And then Mr. Shackelford was asking you  
21 about Appendix 4 just a bit ago and about whether you  
22 could combine the results of the misrepresentations and  
23 omissions survey.

24 Your testimony about whether those results  
25 could be combined, did that assume that the

1 misrepresentations results and the omissions results  
2 were independent or dependent?

3 A Adding those two means that they are  
4 independent, it's based on that assumption, which is  
5 something that I have not tested. But under the  
6 assumption of independence they're edited.

7 Q Okay. So you don't know sitting here today  
8 whether they're independent or dependent because you  
9 didn't test that?

10 A That's right. I haven't tested it, so I don't  
11 know the degree of any dependency or independence.

12 Q And in your report and as part of your expert  
13 opinions in this case, are you opining that the  
14 omissions damages and the misrepresentations damages are  
15 additive?

16 A Again, I have not opined on that because I  
17 haven't done the tests necessary. I report the damages  
18 as they are one by one in my report.

19 MS. BORRELLI: Okay. I think that's all the  
20 questions I have. Thank you.

21 MR. SHACKELFORD: I have no further questions  
22 for you today, Mr. Boedeker. I really appreciate your  
23 time and to everyone appreciate your patience and  
24 flexibility on trying to get this kicked off. So I  
25 appreciate that.